Machine Translated by Google

CASE NO. 1016396-27.2020.4.01.3700

CLASS: CRIMINAL REPRESENTATION/REPORT OF CRIME (272)

ORDER

Seen etc.

The Federal Public Prosecutor's Office attributes to FRANCISCO JOSE SANCHO RIOS II, JOAO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET (qualification in the initial complaint) the commission of the crime of causing damage to a Conservation Unit (Law 9.605/98, art. 40).

However, it offers a Non-Prosecution Agreement proposal, consisting of the following conditions (for each defendant):

a) payment of the administrative fine set by ICMBio - Chico Mendes Institute for Biodiversity Conservation (R$ 10,000.00), as compensation for environmental damages;

b) provision of services to the community for a period of 06 (six) months, at a rate of 04 (four) hours per week;

c Prohibition from leaving the district of residence without authorization. judicial, for a period exceeding 30 (thirty) days.

Under these circumstances, I observe the penalty prescribed for The infraction allows for the offering of the benefit (CPP, art. 28-A).

Although the procedure establishes the celebration of an agreement between the interested party and the Public Prosecutor's Office, with judicial intervention only in the hearing to be scheduled for the eventual approval of the benefit, it should be noted that it is not yet possible to divide the acts, so it seems more efficient to schedule a hearing or issue a letter rogatory to offer the proposal to the interested party.

Therefore, the Secretariat should arrange for the issuance of a letter rogatory for a hearing to present the proposed Non-Prosecution Agreement to JOAO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET.

Machine Translated by Google

The official document should state the following:

01) The interested parties (JOAO PEDRO DA ROCHA MORAIS and NELSON ANGELO PIQUET) must appear accompanied by a lawyer and bring criminal record certificates from the Federal and State Courts of the places where they have resided in the last 5 (five) years; in case of appearance without a lawyer, the defense must be sponsored by the Public Defender's Office.

Public or by a lawyer appointed by the court of origin;

02) the hearing should, if possible, be recorded using an audiovisual system, so that the detailed confession can be recorded and the voluntariness and legality of the acceptance by the beneficiary and his lawyer can be verified; if this is not possible, the court to which the hearing is addressed must expressly record the terms of the author's confession in the minutes of the hearing.

03) The delegated court will limit itself to holding the hearing (offering the benefit with the necessary clarifications to the interested party, including the requirement to present the relevant certificates), with this Federal Court being responsible for approving the agreement.

The letter rogatory must be issued with **a deadline of 120 (one hundred and twenty) days,** and the Federal Public Prosecutor's Office, holder of the right to action, must directly ensure that the document is fulfilled within the established deadline (CPP, art. 3º in conjunction with CPC, art. 261, paragraph 3º).

If the deadline passes without the return of the document and without any justification from the court to which the letter rogatory was addressed, the Secretariat shall, successively and within 30 (thirty) days between each action, ***(a)*** request information directly from the court to which the letter rogatory was addressed, ***(b)*** report the fact to the Regional Federal Court (TRF 1st Region), ***(c)*** forward a request for action directly to the Court of Justice of the State of Maranhão and ***(d)*** to the CNJ - National Council of Justice.

The defendant FRANCISCO JOSE SANCHO RIOS II should be cited/notified personally, in the hands of a Court Officer, in view of the validity of preventive measures regarding the contagion of the new coronavirus, notably the suspension of hearings; in case of acceptance, the defendant must respond in writing **within 15 (fifteen) days** and through a duly appointed lawyer, including the submission of criminal record certificates.

Once the deadline has passed, the proposal will be considered rejected.

Notify the Federal Public Prosecutor's Office.

Let it be done.

Date of electronic signature.

Machine Translated by Google

Ricardo Felipe Rodrigues Macieira

Federal Judge

Electronically signed by: RICARDO FELIPE RODRIGUES MACIEIRA 07/29/2020 15:53:56
https://pje1g.trf1.jus.br:443/
consultapublica/Processo/ConsultaDocumento/listView.seam Document ID: 208583390

20072915535515600000204956 9

PRINT GENERATE PDF